

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMISSIONS IMPORT EXPORT S.A.,
Petitioner,

v.

REPUBLIC OF THE CONGO and
ECREE LLC,

Respondents.

19-mc-00195-KPF

**DECLARATION OF MICHAEL J. SULLIVAN IN SUPPORT OF MOTION
TO VACATE CERTIFICATE OF DEFAULT AND DISMISS THE PETITION**

I, Michael J. Sullivan, declare as follows:

1. I am an attorney admitted to practice before this Court and am associated with the Ashcroft Law Firm, LLC (“ALF” or the “Firm”), counsel to Respondent Republic of the Congo (“ROC”) in the above-captioned case. I have personal knowledge of the facts contained in this declaration, and am competent to testify as to those facts.

2. The Firm was retained by ROC after this proceeding commenced. During our initial meetings in Brazzaville, Congo in September 2019, the ROC Minister of Justice was first made aware of the instant turnover proceeding and the default, and thereafter promptly instructed our firm to appear on behalf of ROC, which we did on September 25, 2019. (Dkt #24). On October 1, 2019 we requested an adjournment of a previously scheduled conference, to provide time to meet with our client and prepare for the conference (Dkt. #27), which the court granted October 2, 2019. (Dkt. #30). As referenced in the court’s December 23, 2019 Order, though having filed appearances in late September, we thought it advisable to obtain the court’s permission before filing any motions. (Dkt. #33).

3. A true and correct copy of the official Communique published via Twitter April 11, 2019 by Republic of the Congo's Minister of Communication and Media and a correct English translation of the same is attached hereto as **Exhibit A**.

4. A true and correct copy of the Summons, Verified Complaint, and Notice of Pendency for case captioned The Board of Managers of Trump Int'l Hotel & Tower Condominium v. Ecree LLC and John Doe Nos. 1–15, filed in the Supreme Court of New York, County of New York, on December 16, 2019 (Index No. 16242/2019) is attached hereto as **Exhibit B**.

5. A true and correct copy of IRS Form 990 filed by Global Witness for 2017 is attached hereto as **Exhibit C** and available at https://web.archive.org/web/20191030094119/https://www.globalwitness.org/documents/19599/2017_990_Form_signed.pdf.

6. A true and correct copy of a Global Witness press release by Natasha White dated May 10, 2018 is attached hereto as **Exhibit D** and available at <https://www.globalwitness.org/en/press-releases/eni-past-or-current-staff-under-investigation-republic-congo-corruption-probe-rises-four-out-five/>. A true and correct copy of Global Witness briefing by Pete Jones dated November 29, 2017 and a Reuters news article July 17, 2015 are compiled and attached hereto as **Exhibit E** and available at <https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/imf-must-ensure-kleptocratic-regime-republic-congo-does-not-get-another-sweet-deal/> and <https://www.reuters.com/article/congodemocratic-hydrocarbons/congos-move-to-regulate-oil-sector-seen-opening-door-to-graft-idUSL5N0ZX26H20150717>, respectively.

7. A true and correct copy of the Global Witness report titled “Catch Me If You Can: Exxon Complicit in Corrupt Liberian Oil Sector” dated March 29, 2018 is attached hereto as **Exhibit F**.

8. In early December 2019 counsel for ROC contacted the former K&L Gates attorney involved in the formation of Ecree LLC who indicated that K&L Gates' due diligence for Ecree's purchase of the 32G Condo did not reveal anything improper about the source of funds and did not reveal any involvement by ROC.

Date: January 3, 2020

Respectfully Submitted,

/s/ Michael J. Sullivan

Michael J. Sullivan

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